

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 525 of 2019

1. Anand Jain (Kochar) S/o Shri Late Shikharchand Jain, Aged About 47 Years, R/o House No. 1256, Swami Vivekanand Road, Prohit Bada, P.S City Kotwali, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Police Station Purani Basti, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 528 of 2019

1. Tarun Jain (Kochar) S/o Shri Late Shikharchand Jain, Aged About 52 Years, R/o House No.1256, Swami Vivekanand Road, Prohit Bada P.S. City Kotwali, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Jitendra Yadav S/o Pardesi Yadav, Aged About 39 Years, R/o House No.74 Near Panchu Kirana Stores, Prince Colony Laxm Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Purani Basti, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant(s) –Shri P.K. Verma, Senior Advocate with Shri Virendra Verma (in MCRCA No.525/2019),
Shri Dev Ashish Biswas, Advocate (in MCRCA No.528/2019).
For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

10-04-2019

1. As both these applications arise out of the same crime number, i.e. Crime No.121/2019, registered at Police Station Purani Basti, District Raipur, Chhattisgarh for the offence under Section 420/34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants in both the applications that these applicants have been falsely implicated in this case. No

case is made out against them. The property in question in this case was purchased by Vinod Jain from one Rukhmani Bai by a registered sale deed dated 11-04-1983. Vinod Jain has expired and by virtue of a will executed by him applicant Anand Jain (applicant in MCRCA No.525/2019) has become owner and mutation has been entered in the concerned records. The complainant coming to know of the said mutation had challenged in appeal which was dismissed. Thereafter, this false FIR has been lodged making totally false allegation against the applicants and setting up claim on the property in question, on the basis of unregistered document of transfer of 1969 purported to be executed by Rukhmani Bai. Role of the applicant Tarun Jain (applicant No.1 in MCRCA No.528/2019) is only to this extent, that he had attested the will executed by Vinod Jain. Therefore, no case is made out against these applicants. Hence, it is prayed that both the applications may be allowed.

4. Learned counsel for non-applicant/State opposes the applications and submits that complainant Shabnam Khatoon has lodged the FIR making a statement that she is in possession of the disputed property from 1969 on the basis of one unregistered document purported to be executed by Rukhmani Bai. When she came to know about the mutation of the property she has challenged the same and thereafter has lodged this FIR. Therefore, the applicants are not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Dispute between the applicants in both the applications and the complainant is with respect to the land on which claim of applicant Anand Jain is on the basis of one registered sale deed, whereas, the claim of complainant is on the basis of one unregistered document. Therefore, after due consideration on all the material present in the case diary, I feel inclined to allow both these applications.

7. Consequently, both the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the

aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer.

These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge